

## Federal Aviation Administration, DOT

## § 151.54

(3) Assurance that adequate labor, material, equipment, engineering personnel, as well as supervisory and inspection personnel as required by § 151.45(f), will be provided; and

(4) A detailed estimate of the cost of the work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

(b) [Reserved]

[Doc. No. 1329, 27 FR 12351, Dec. 13, 1962, as amended by Amdt. 151-17, 31 FR 16525, Dec. 28, 1966; Amdt. 151-31, 34 FR 4885, Mar. 6, 1969]

### § 151.53 Performance of construction work: Labor requirements.

A sponsor who is required to include in a construction contract the labor provisions required by § 151.49 shall require the contractor to comply with those provisions and shall cooperate with the FAA in effecting that compliance. For this purpose the sponsor shall—

(a) Keep, and preserve, for a three-year period beginning on the date the contract is completed, each affidavit and payroll copy furnished by the contractor, and make those affidavits and copies available to the FAA, upon request, during that period;

(b) Have each of those affidavits and payrolls examined by its resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations), as soon as possible after receiving it, to the extent necessary to determine whether the contractor is complying with the labor provisions required by § 151.49 and particularly with respect to whether the contractor's employees are correctly classified;

(c) Have investigations made during the performance of work under the contract, to the extent necessary to determine whether the contractor is complying with those labor provisions, particularly with respect to whether the contractor's employees are correctly classified, including in the investigations, interviews with employees and examinations of payroll information at the work site by the sponsor's resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations); and

(d) Keep the Area Manager fully advised of all examinations and investigations made under this section, all determinations made on the basis of those examinations and investigations, and all efforts made to obtain compliance with the labor provisions of the contract.

For the purposes of paragraph (c) of this section, the sponsor shall give priority to complaints of alleged violations, and shall treat as confidential any written or oral statements made by any employee. The sponsor may not disclose an employee's statement to a contractor without the employee's consent.

### § 151.54 Equal employment opportunity requirements: Before July 1, 1968.

In conformity with Executive Order 11246 of September 24, 1965 (30 FR 12319, 3 CFR, 1965 Supp., p. 167) the regulations of the former President's Committee on Equal Employment Opportunity, 41 CFR part 60-1 (28 FR 9812, 11305), as adopted "to the extent not inconsistent with Executive Order 11246" by the Secretary of Labor ("Transfer of Functions," Oct. 19, 1965, 30 FR 13441), are incorporated by reference into subparts B and C of this part as set forth below. They are referred to in this section by section numbers of part 60-1 of title 41.

(a) *Equal employment opportunity requirements.* There are hereby incorporated by reference into subparts B and C, as requirements, the provisions of § 60-1.3(b)(1). The FAA is primarily responsible for the sponsor's compliance.

(b) *Equal employment opportunity requirements in construction contracts.* The sponsor shall cause the "equal opportunity clause" in § 60-1.3(b)(1) to be incorporated into all prime contracts and subcontracts as required by § 60-1.3(c).

(c) *Reporting requirements for contractors and subcontractors.* The sponsor shall cause the filing of compliance reports by contractors and subcontractors as provided in § 60-1.6(a) and the furnishing of such other information as may be required under that provision.

(d) *Bidders' reports.* (1) The sponsor shall include in his invitations for bids or negotiations for contracts, and shall

## § 151.54a

## 14 CFR Ch. I (1–1–10 Edition)

require his contractors to include in their invitations for bids or negotiations for subcontracts, the following provisions based on § 60–1.6(b)(1):

Each bidder, prospective contractor or proposed subcontractor shall state as an initial part of the bid or negotiations of the contract whether he has participated in any previous contract or subcontract subject to the equal opportunity clause and, if so, whether he has filed with the Office of Federal Contract Compliance in the United States Department of Labor or the contracting or administering agency all compliance reports due under applicable instructions. In any case in which a bidder or prospective contractor or proposed subcontractor who has participated in a previous contract or subcontract subject to the equal opportunity clause has not filed a compliance report due under applicable instructions, such bidder, prospective contractor or proposed subcontractors shall submit a compliance report prior to the award of the proposed contract or subcontract. When a determination has been made to award a contract to a specific contractor, such contractor shall, prior to award, furnish such other pertinent information regarding his own employment policies and practices as well as those of his proposed subcontractors as the FAA, the sponsor, or the Director of the Office of Federal Contract compliance may require.

(2) The sponsor or his contractors shall give express notice of the requirements of this paragraph (d) in all invitations for bids or negotiations for contracts.

(e) *Enforcement.* The FAA conducts compliance reviews, handles complaints and, where appropriate, conducts hearings and imposes, or recommends to the Office of Federal Contract Compliance, sanctions, as provided in subpart B—General Enforcement; Complaint Procedure of part 60–1.

(f) *Exempted contracts.* Except for subcontracts for the performance of construction work at the site of construction, the requirements of this section do not apply to subcontracts below the second tier (§ 60–1.3(c)). The requirements of this section do not apply to contracts and subcontracts exempted by § 60–1.4.

(g) *Meaning of terms.* The term “applicant” in the provisions of part 60–1 incorporated by reference in this section means the sponsor, except where part 60–1 refers to an applicant for em-

ployment, and the term “administering agency” therein means the FAA.

(h) *Applicability to existing agreements and contracts.* This section applies to grant agreements made after December 20, 1964, and before July 1, 1968. Except as provided in § 151.54A(b), it applies to contracts and subcontracts as defined in § 60–1.2 (i) and (k) of Title 41 made in accordance with a grant agreement to which this section applies.

(E.O. 11246, 30 FR 13441, 31 FR 6921; sec. 307, 72 Stat. 752, 49 U.S.C. 1348)

[Amdt. 151–5, 29 FR 15569, Nov. 20, 1964, as amended by Amdt. 151–8, 30 FR 8040, June 23, 1965; Amdt. 151–12, 31 FR 10261, July 29, 1966; Amdt. 151–23, 33 FR 9543, June 29, 1968]

### § 151.54a Equal employment opportunity requirements: After June 30, 1968.

(a) *Incorporation by reference.* There are hereby incorporated by reference into this part the regulations issued by the Secretary of Labor on May 21, 1968, and published in the FEDERAL REGISTER on May 28, 1968 (41 CFR part 60–1, 33 FR 7804), except for the following provisions:

(1) Paragraph (a), “Government contracts”, of § 60–1.4, “Equal opportunity clause”.

(2) Section 60–1.6, “Duties of agencies”.

(b) *Applicability and effectiveness.* The regulations incorporated by reference in paragraph (a) of this section apply to grant agreements made after June 30, 1968. They also apply to contracts, as defined in § 60–1.3(f) of Title 41, entered into under any grant agreement made before or after that date, as provided in § 60–1.47 of Title 41.

(Sec. 307, 72 Stat. 752, 49 U.S.C. 1348)

[Amdt. 151–23, 33 FR 9543, June 29, 1968]

### § 151.55 Accounting and audit.

(a) Each sponsor shall establish and maintain, for each individual project, an adequate accounting record to allow appropriate personnel of the FAA to determine all funds received (including funds of the sponsor and funds received from the United States or other sources), and to determine the allowability of all incurred costs of the project. The sponsor shall segregate and group project costs so that it can